

## **Animal Care Stakeholder Update**

May 5, 2005

I would like to take this opportunity to provide another stakeholder update from Animal Care (AC), a program within the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS). Similar to previous updates, we want to provide you with information regarding new information being posted to our Web site at <http://www.aphis.usda.gov/ac>.

In addition to regularly requested inspection reports, on Tuesday, May 10, AC will begin posting annual reports submitted to the program from registered research facilities. As you may know, research facilities registered by AC are required to submit an annual report that includes, among other information, the number of regulated animals used by the facility.

Up until recent years, AC posted these reports to the program's Web site, withholding confidential business information and other information that is exempt from disclosure under the Freedom of Information Act (FOIA). However, in response to concerns raised by many stakeholders, AC carefully reviewed the policy of posting these reports to the Web site and decided, temporarily, to stop the practice. Individuals interested in obtaining annual reports, however, could still do so through a formal FOIA request.

As a result of this decision, a lawsuit was filed in U.S. District Court to require that AC resume posting annual reports to the program's Web site. The ensuing legal review of the case by the U.S. District Court is currently pending. However, we have been advised by legal counsel that we need to resume posting annual reports, with appropriate redactions of exempted information, as required by FOIA and the electronic FOIA amendments of 1996. Under E-FOIA, the government must include in reading rooms - such as the FOIA Web site - any records determined by the agency to have become frequently requested, or that are likely to become the subject of subsequent requests for the same records. At this time, APHIS has determined that the annual reports are frequently requested information; as such, we are required to make the reports available to the public on the Web site.

AC has therefore been working with APHIS' FOIA office to prepare annual reports from 1999 - 2003 for posting to the Web site. The older reports will be available for a limited time only; it is our intent to abide by the paper records retention guidance in maintaining these electronic records. Future reports will be posted annually. Consistent with the legal responsibilities under FOIA, applicable personal privacy information, as well as confidential proprietary information provided by the business submitter, is redacted from the reports prior to posting. The reports are examined

individually to determine the proper redactions and release of information. Information not exempt from disclosure under FOIA will be made available to the public.

We understand that there may be some concern in the stakeholder community regarding this action. But we believe it is in keeping with our commitment to provide stakeholders with as much information as possible regarding our efforts to ensure that regulated animals - including those used in research - are cared for in accordance with the standards of the Animal Welfare Act. We also want to take this opportunity to affirm that we take very seriously our responsibility under the law to protect sensitive information submitted to us in the course of our regulatory work.

Sincerely,

Chester Gipson, DVM  
Deputy Administrator